IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7219 OF 2005

Zarnamatya @ Ramsingh Nanawat
and Ors. .. Applicants

Versus

State of Maharashtra .. Respondents

Mr.V.V.Purwant for applicants
Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th December 2005.

P.C.

. Heard Mr.Purwant for applicant and Mr.Tatkare for respondents.

2. Application dismissed as not pressed as far applicant No.1 is concerned.

3. This matter was placed today as I was not satisfied about the disclosure made in the application with regard to the permanent place of residence of applicants. Address mentioned in the cause title is without any particulars and appears to be vague. However, Mr.Purwant produces a certificate issued by Gram Panchayat of the concerned village pertaining to applicant Nos. 2 to 5. The said certificates are forwarded to I.O. for verification and scrutiny.

4. C.R.No.68 of 2005 registered at Vadgaon Nimbalkar Police Station for offences punishable under section 399 of I.P.C. It appears that applicants have been apprehended in the night and were found to be carrying some weapon. Allegation is that the applicants were proceeding

towards another village and were fully armed and prepared for a decoity. Upon perusal of the statements of the Sub-Inspector Thane, Rural it appears that the applicants were proceeding towards a village in the night of 25th July 2005. The apprehension is upon an alleged information that some persons are about to commit robbery near about Chirekhanwadi Pati on Morgaon Murti Road. Allegation is that the police party apprehended some persons and they tried to run away upon noticing presence of police party. Applicants have been detained for considerable length of time. Investigations are complete. Charge sheet has been filed. The so called weapons are also seized. Applicants barring applicant No.1 Zarnamatya @ Ramsingh Nanawat do not have any criminal antecedents. If the verification and scrutiny as above is ordered, interest of justice would be sufficiently protected even if applicants are enlarged on bail. Prima facie, it is not clear as to whether

the applicants are in any manner part of group which had decided to commit robbery. In these circumstances following order:-

i) Applicant Nos.2 to 5 i.e. Gandhi Nepal Nanavat, Arjun Ragi Sargodi, Amit Sarpat Gluddwat and Subal Zarnar Nanavat are enlarged on bail in connection with C.R.No.68 of 2005 registered with Vadgaon Nimbalkar Police Station in the sum of Rs.5000/- each with one or two sureties in the like amount each.

ii) Applicant Nos. 2 to 5 shall report to Vadgaon Nimbalkar Police Station once a week on every Sunday between 5.00 p.m. and 7.00 p.m.

iii) Bail is granted subject to condition that applicant Nos. 2 to 5 shall not directly or indirectly make any

inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicant Nos. 2 to 5 shall cooperate with the Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)